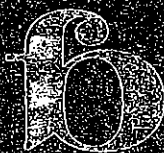


**EXHIBIT E TO**  
**METZGER DECLARATION**



**ford bubala & associates**

Peter's Landing, Suite 211  
16400 Pacific Coast Highway  
Huntington Beach, California 92649  
Telephone (562) 592-4581  
Facsimile (562) 592-3867





Peter's Landing, Suite 211  
16400 Pacific Coast Highway  
Huntington Beach, California 92649  
Telephone (562) 592-4581  
Facsimile (562) 592-3867

January 31, 2008

TO: Frank J. Colucci, Esq.  
Colucci & Umans  
218 East 50th Street  
New York, New York 10022

FROM: Ford Bubala & Associates

RE: Likelihood of Confusion Survey  
Victoria's Secret Stores Brand Management, Inc. v.  
Sexy Hair Concepts, LLC

Enclosed herein, please find the results of a survey designed to address the issue of likelihood of confusion. Specifically, this survey was designed to measure the degree, if any, to which the SO SEXY brand of hair care products sold by Plaintiff, Victoria's Secret Stores Brand Management, Inc., is likely to cause confusion with respect to the source, authorization or approval of, or business affiliation or connection of the SO SEXY brand with Defendant, Sexy Hair Concepts or its brands.

Provided in Volume I of this report is a synopsis of the methodology for the survey, the survey screener and questionnaire, survey exhibit, response frequencies for the survey's questions, and a listing of the survey's responses. Volume II of this report contains a sequential listing of the survey responses, copies of the Supervisor and Interviewer Instructions which provide additional details of the survey protocols, and other survey-related background materials.



LIKELIHOOD OF CONFUSION SURVEY

VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. v.  
SEXY HAIR CONCEPTS, LLC

Ford Bubala & Associates  
January, 2008



LIKELIHOOD OF CONFUSION SURVEY  
VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. v.  
SEXY HAIR CONCEPTS, LLC  
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APPENDIX

Appendix A: Sequential Listing of Survey Responses
Appendix B: Supervisor Instructions
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Appendix E: Questionnaire Numbering System
Appendix F: Professional Interviewing Services and Locations
Appendix G: Incidence Report



APPENDIX F

PROFESSIONAL INTERVIEWING SERVICES AND LOCATIONS

Boston Metropolitan Market  
Performance Plus  
Faneuil Hall  
#2 Faneuil Hall Marketplace  
Boston, MA 02109

New York Metropolitan Market  
Sight Line Research, Ltd.  
Broadway Mall  
965 Broadway Mall  
Hicksville, NY 11801

Chicago Metropolitan Market  
Consumer Surveys Co.  
Chicago Ridge Mall  
730 Chicago Ridge Mall  
Chicago Ridge, IL 60415

Minneapolis Metropolitan Market  
Car-Lene Research, Inc.  
Southdale Center  
940 Southdale Center  
Edina, MN 55435

Atlanta Metropolitan Market  
Mid-America Research, Inc.  
Lenox Square  
3393 Peachtree Road N.E.  
Atlanta, GA 30326

Memphis Metropolitan Market  
Friedman Marketing Services  
Hickory Ridge Mall  
6080 Hickory Ridge Mall  
Memphis, TN 38115

Dallas Metropolitan Market  
Friedman Marketing Services  
The Parks @ Arlington  
3811 S. Cooper  
Arlington, TX 76015

Phoenix Metropolitan Market  
C & C Market Research  
Arrowhead Towne Center  
7700 W. Arrowhead Towne Center  
Glendale, AZ 85308

Los Angeles Metropolitan Market  
Car-Lene Research  
Montclair Plaza  
5184 Montclair Plaza Lane  
Montclair, CA 91763



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pages	pages	pages	pages								
				Oct 18, 2000 *	Feb 02, 2001	Jan 22, 2002	Feb 18, 2003 *	Feb 04, 2004	Jan 16, 2005 *	Jan 01, 2006	Jan 26, 2007 *
				Oct 19, 2000	Feb 03, 2001	Mar 26, 2002 *	Mar 08, 2003	Apr 02, 2004 *	Jan 22, 2005	Jan 02, 2006	Feb 03, 2007 *
				Oct 22, 2000	Feb 14, 2001	Mar 30, 2002	Mar 27, 2003 *	Apr 04, 2004	Jan 26, 2005	Jan 03, 2006	Feb 05, 2007 *
				Dec 06, 2000 *	Mar 09, 2001	Apr 02, 2002	Apr 01, 2003	May 18, 2004	Jan 29, 2005	Jan 04, 2006	Feb 10, 2007 *
				Dec 15, 2000	Apr 02, 2001 *	May 26, 2002 *	Apr 06, 2003	Jun 04, 2004	Feb 05, 2005	Jan 06, 2006	Mar 04, 2007 *
				Dec 16, 2000	Jul 21, 2001 *	Jun 01, 2002	Apr 07, 2003	Jun 11, 2004	Feb 09, 2005	Jan 07, 2006	Mar 14, 2007 *
					Aug 15, 2001	Jun 04, 2002	Apr 26, 2003	Jun 14, 2004	Mar 05, 2005	Jan 10, 2006	Mar 23, 2007 *
					Sep 25, 2001	Sep 29, 2002 *	May 19, 2003	Jun 27, 2004	Mar 20, 2005	Jan 12, 2006	Apr 05, 2007 *
					Nov 24, 2001 *	Nov 23, 2002 *	May 28, 2003	Aug 28, 2004	Mar 23, 2005	Jan 17, 2006 *	Apr 23, 2007 *
					Dec 25, 2001 *	Nov 24, 2002	May 30, 2003	Aug 31, 2004	Mar 26, 2005	Jan 18, 2006	May 23, 2007 *
							Jun 22, 2003	Sep 05, 2004	Apr 18, 2005	Feb 02, 2006 *	Jun 23, 2007 *
							Jul 18, 2003	Sep 18, 2004	Apr 29, 2005	Feb 03, 2006	Jun 24, 2007 *
							Jul 31, 2003 *	Sep 19, 2004	May 03, 2005	Feb 04, 2006	Aug 24, 2007 *
							Aug 09, 2003	Sep 24, 2004	May 17, 2005	Feb 07, 2006	
							Sep 19, 2003	Oct 15, 2004	Jun 03, 2005	Feb 08, 2006	
							Sep 20, 2003	Oct 18, 2004	Jun 14, 2005	Mar 05, 2006 *	
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							Oct 21, 2003	Nov 20, 2004	Aug 18, 2005	Apr 24, 2006 *	
							Nov 24, 2003	Dec 04, 2004 *	Aug 28, 2005	May 05, 2006 *	
							Dec 01, 2003	Dec 10, 2004	Aug 27, 2005	May 17, 2006 *	
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									Nov 02, 2005	Jul 17, 2006 *	
									Nov 25, 2005	Aug 03, 2006 *	
									Nov 30, 2005	Aug 08, 2006	
									Dec 01, 2005	Aug 31, 2006 *	
									Dec 30, 2005	Oct 16, 2006 *	
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